

Updated March 2011

Note: The following information is general in nature, does not discuss specific Right of Way actions relative to any future project and is for illustration of and to answer questions about UDOT processes ONLY.

1. WHEN WILL I KNOW IF MY HOUSE IS GOING TO BE ACQUIRED?

The West Davis Corridor (WDC) study team is currently considering a range of transportation alternatives. A Draft Environmental Impact Statement (EIS), to be released early 2012, will identify potential home relocations for each alternative under consideration. However, a final alternative will not be selected until the completion of the study and a Record of Decision is issued in 2013. At that time, property acquisition may begin if funding is available. Currently, no funding is available for right of way acquisition and the timeframe for when it might become available is uncertain.

2. HOW DOES THE STATE ACQUIRE HOMES?

There is a process that must be followed when land is acquired for a roadway project. This process is defined in federal and state law, which requires government agencies to provide just compensation for any acquired property. Property acquisition procedures are described in detail on UDOT's website in the [Acquisition, Appraisal, and Relocation](#) section at www.udot.utah.gov (*Home ⇒ Inside UDOT ⇒ Project Development ⇒ Right of Way*). This section of the UDOT website includes brochures on [property owner's rights](#) and acquiring property.

3. HOW IS THE VALUE OF MY PROPERTY DETERMINED?

By law, state agencies must pay "fair market value" for private property. The fair market value is determined by an approved, independent appraiser. The appraiser evaluates the property and also researches the area for homes with similar characteristics that have sold recently. The property owner has the right to be present during the appraisal property inspection and can bring to the appraiser's attention any characteristics pertinent to the appraisal.

After the appraisal is complete, the State offers to acquire the property at fair market value, as determined by the appraiser's valuation. Under State law, UDOT's offer must be based on the fair market value and supported by documented justification. The agency will make every effort to reach an agreement with the owner during negotiations. The owner may provide additional information, and make reasonable counter offers and proposals for the agency to consider. Additional information about the [property acquisition](#) process is available on UDOT's website at www.udot.utah.gov (*Home ⇒ Inside UDOT ⇒ Project Development ⇒ Right of Way*).

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4. WHAT IF I DO NOT ACCEPT UDOT'S OFFER FOR MY PROPERTY?

On scheduled projects, if a private property owner does not accept the State's offer, the State will file an eminent domain law action in a State District Court. In the eminent domain action, the court will determine the fair market value of the property, after considering evidence submitted by both parties.

If the State begins an eminent domain action, an individual should consult with an attorney about legal rights. The [Utah Property Rights Ombudsman](#) is also available for advice.

5. IF UDOT ONLY NEEDS PART OF MY PROPERTY, WILL I HAVE TO LIVE NEXT TO A FREEWAY OR SOUND WALL? HOW WILL I BE COMPENSATED?

In the event a project only impacts a portion of an owner's property, UDOT will pay fair market value for the land and improvements that are actually impacted. Owners may also receive proximity damages or payment for an easement depending on the property and the appraisal valuation. Proximity damages are only available to those whose property is directly impacted. The property may be purchased in total if determined appropriate on a case-by-case basis.

6. WHAT ASSISTANCE WILL I RECEIVE IF I AM RELOCATED?

The State has a relocation assistance program that provides benefits for all those who are displaced by a roadway or transit project (including residents, businesses, non-profit organizations, and farmers).

As part of this program, the State provides assistance in identifying replacement property. Replacement property must be comparable to the property that is being acquired, and also must be decent, safe, and sanitary.

In addition, as part of the relocation assistance program, the State pays for eligible relocation costs. Relocation costs include moving costs (packing, storage, shipping, etc.) as well as other costs associated with the relocation. The relocation payment is separate from the payment for the fair market value of the property itself. Additional information about [relocation assistance](#) is available on UDOT's website at www.udot.utah.gov (*Home ⇒ Inside UDOT ⇒ Project Development ⇒ Right of Way*).

7. I RENT THE HOME WHERE I LIVE. WHAT HAPPENS TO ME IF THE PROPERTY WHERE I LIVE IS ACQUIRED FOR THE WDC PROJECT?

Tenants of rental properties may be eligible for relocation benefits. If the property is acquired in advance of the need for the property, the tenant may be allowed to remain in the residence (under lease from the State) until the project begins. Tenants are eligible for relocation assistance only if the Department has asked the tenant to move because of the project.

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8. WHEN CAN UDOT START BUYING PROPERTY?

Because a final alignment has not yet been selected, right-of-way acquisition will not proceed until after the study is complete. Once a Record of Decision (ROD) has been issued and funding is available, UDOT can begin acquiring property that is within the preferred alternative.

9. WHY ARE BUILDING PERMITS STILL PROVIDED IN AREAS WHERE A POTENTIAL ROADWAY PROJECT IS UNDER STUDY?

It is not within a city's or state's right to deny building permits to developers who meet all requirements and want to develop their land. UDOT works closely with cities and counties during an environmental study process to encourage developers to reserve land for future transportation improvements. In some cases, where the developer is willing, UDOT is able to purchase a portion of the land through advanced acquisition.

10. IF I CHOOSE TO SELL MY HOME NOW, AM I REQUIRED TO DISCLOSE THAT UDOT IS STUDYING MY AREA TO BUILD A POTENTIAL ROADWAY PROJECT?

Realtors are required to disclose any information that may affect the property to a potential buyer. Individuals should contact an attorney with any questions regarding the responsibility to disclose information about the WDC study.